

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, October 12th, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

October 6, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 7204 ½ North Loop Drive (Rep. District #3)

Scheduling a public hearing to be held on November 9th, 2004 to determine if the property located at 7204 ½ North Loop Drive in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of July 12th, 2004, J. M. Escobar, 7221 North Loop Drive, El Paso, Texas 79915, has been notified of the violations at this property. District #3

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
June 16, 2004

J. M. Escobar
7221 North Loop Dr.
El Paso, Texas 79915-2412

Re: 7204 ½ North Loop Dr.
Lots: 4 & E Pt. of 3 Exc. (N PTS)
Blk: 6, Stiles Gardens
Zoned: A-2
COD04-08314
Certified Mail Receipt #
7003 2260 0002 9957 2202

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

7204 ½ North Loop Drive

- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 7204 ½ North Loop Drive has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.
- k. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter.

7204 1/2 North Loop Drive

- I. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:



Tom Maguire
Building Inspector

TM/rl

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$ *TM*

Certified Fee

Return Receipt Fee (Endorsement Required) JUN 17 2004

Restricted Delivery Fee (Endorsement Required)

Postmark Here

J. M. Escobar
 7221 North Loop Drive
 El Paso, Texas 79915-2412
 Re: 7204 1/2 North Loop Dr.

PS Form 3811, February 2004 See Reverse for Instructions

2022 2566 2000 0922 E002

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TM
J. M. Escobar
 7221 North Loop Drive
 El Paso, Texas 79915-2412
 Re: 7204 1/2 North Loop Dr.

LT #3

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X J. M. Escobar ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

06/23/04

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7003 2260 0002 9957 2202

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
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DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
June 16, 2004

Jose Escobar
Attorney at Law
5959 Gateway West Blvd., Suite 335
El Paso, Texas 79925

Re: 7204 1/2 North Loop Dr.
Lots: 4 & E Pt. of 3 Exc. (N PTS)
Blk: 6, Stiles Gardens
Zoned: A-2
COD04-08314
Certified Mail Receipt #
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7204 ½ North Loop Drive

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7204 1/2 North Loop Drive

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FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:



Tom Maguire
Building Inspector

TM/rl

7003 2260 0002 9957 2295

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	TM Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
UN 17 2004	
Jose Escobar Attorney at Law 5959 Gateway West Blvd., Suite 305 El Paso, Texas 79925 Re: 7204 1/2 North Loop Dr.	
PS Form 3800, June 2002 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: TM

Jose Escobar
Attorney at Law
5959 Gateway West Blvd., Suite 305
El Paso, Texas 79925
Re: 7204 1/2 North Loop Dr.

2. Article Number
(Transfer from service label)

lt #3

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☐ Addressee
B. Received by (Printed Name) *Maria Elena* C. Date of Delivery
D. Is delivery ☐ Yes ☐ No

Ready to be filed

3. Serv ☒ ☐ Insured Mail

4. Restricted Delivery? (Extra Fee)

7003 2260 0002 9957 2295


EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

M E M O R A N D U M

DATE: June 24, 2004

MEMO TO: Tom Maguire, Housing Compliance Supervisor

FROM: Jorge Ramirez, Sr. Environmental Health Inspector 

SUBJECT: Condemnation Report

RE: 7204 ½ North Loop Dr. 79915

An inspection of the property was conducted on June 23, 2004, and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA:
N/A

SECTION 9.04.340 – ACCUMULATIONS:
Of tall vegetation, trash, broken glass, old wood and tires were seen.

SECTION 9.16 – NUISANCE:
Strong urine odors were detected in the rear of the property.

SECTION 9.16.010 – DESIGNATED:
N/A

SECTION 9.28 -RAT CONTROL:
The structure is decaying and partially open. This condition serves as a potential vermin harborage.

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 9th day of November, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7204 ½ North Loop Drive, in El Paso, Texas, which property is more particularly described as:

Lots: A portion of Lot 3 and all of Lot 4, Block 6, Stiles Gardens, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 3, Page 9, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose M. Escobar, 7221 North Loop Drive, El Paso, Texas 79915, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 12th day of October, 2004.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Marvin Foust
Assistant City Attorney

Tom Maguire
Housing Compliance Supervisor

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated October 12th, 2004 regarding the property located at 7204 1/2 North Loop Drive, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this ____ day of _____, 2004 on behalf of
the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this ____ day of _____, 2004.

Notary Public

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated October 12th, 2004 regarding the property located at 7204 ½ North Loop Drive, was PUBLISHED in the official City newspaper on the ____day of _____, 2004.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated October 12th, 2004 regarding the property at 7204 ½ North Loop Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

J. M. Escobar
7204 ½ North Loop Dr.
El Paso, Texas 79915

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated October 12th, 2004 regarding the property at 7204 ½ North Loop Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

J. M. Escobar
7221 North Loop Dr.
El Paso, Texas 79915

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated October 12th, 2004 regarding the property at 7204 ½ North Loop Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Jobe M. Escobar
5959 Gateway West Blvd., Suite 335
El Paso, Texas 79925

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated October 12th , 2004 regarding the property at 7204 ½ North Loop Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Lee & Lela Mae Gavlik
7753 Mustang Dr.
El Paso, Texas 79915

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated October 12th , 2004 regarding the property at 7204 ½ North Loop Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Jose Gonzales
7202 North Loop Dr.
El Paso, Texas 79915

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated October 12th , 2004 regarding the property at 7204 ½ North Loop Drive, was (HAND-DELIVERED) to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated October 12th , 2004 regarding the property at 7204 ½ North Loop Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated October 12th, 2004 regarding the property at 7204 ½ North Loop Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 7204 ½ North Loop Drive, El Paso, Texas.

Date: _____

Time: _____

Inspector